

**REMARKS**

In response to the Official Action of November 21, 2006, claims 1-21 have been amended in a manner which is believed to particularly point out and distinctly claim the invention and claims 22-32 are newly submitted.

More particularly, claims 1-21 have been amended to delete reference numerals in the claims and to write out the words associated with acronyms that appear therein.

Furthermore, the preamble of claim 1 has been amended by deleting most of the language previously used therein and positively reciting any required actions in the main portion of the claim.

Furthermore, claim 17 has been amended so as not to make reference to any previously recited method claim and claim 16 has been amended to recite that the claimed communication system further comprises an arrangement of at least one element according to claim 17.

Furthermore, use of means plus function terminology in claims 16-21 have been substituted with non-means plus function language.

New apparatus claim 22 corresponds to amended method claim 1 while new apparatus claims 23-30 are respectively based on method claims 2-9. In addition, new apparatus claim 31 depends from claim 22 and indicates an arrangement of the apparatus corresponding to Figure 1.

Finally, apparatus claim 32 is similar to apparatus claim 22 but written using means plus function terminology.

Support for the amendment to claims 1-21 is found in the original submission of the claims (such as the words associated with later used acronyms originally presented in said claims), as well as in the original specification and drawings.

Newly submitted claims 22-32 are fully supported by the originally submitted claims 1-21, as well as the original specification and drawings, including the specification at page 15, line 9 through page 25, line 18 of the published PCT application.

Referring now to paragraph 4 of the Official Action, claims 1, 2, 5, 9, 14 and 15 are rejected under 35 USC §103(a) as unpatentable in view of applicant's submission of prior art at pages 1-7 of the application in the Background of the Invention section (hereinafter APA), further in view of US patent application publication 2003/0169725, Ahmavaara et al (hereinafter Ahmavaara). For the reasons set forth herein, the rejection of these claims is respectfully refuted.

### **Subject Matter of the Claims**

For purposes of the arguments presented below, a brief recitation of the features of claim 1 are presented herein.

- A1) Determining a type of radio access network required for delivering a content clip to a mobile terminal via a communication network based on an indication associated to said content clip.
- A2) Determining the type of radio access network via which said mobile terminal currently accesses said communication network, wherein said communication network comprises radio access networks of at least two different types.
- B) In case said mobile terminal accesses said communication network currently via a radio access network of a different type than required for delivering said content clip, triggering a handover of said mobile terminal to a radio access network of said type required for delivering said content clip.
- C) Delivering said content clip to said mobile terminal via said radio access network of said type required for delivering said content clip.

Features A1-C enable a provider initiated content delivery even if a mobile terminal to which the content is directed is currently accessing the communication network via another radio access network (RAN) other than required for the content (see paragraph 25 of the published US application).

The Office asserts that the APA disclosed in the Background of the Invention section of the present application (paragraphs 2, 5, and 6 of the US published application) teaches the actions recited in method claim 1 except that it fails to disclose in the case where a mobile terminal accesses a communication network currently via a radio access network of a different type than required for delivering a content clip, that triggering a handover of the mobile terminal to a radio access network of a type required for delivering said content clip is undertaken and delivering the content clip to the mobile terminal via the radio access network of the type required for delivering said content clip.

The Office goes on to assert that Ahmavaara shows and discloses as known in the art connections in a communication system handover of connections from a node of the system to another node of the system. The Office further asserts that Ahmavaara discloses that handover should be possible between two nodes that belong to different networks and further that if a new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies. The Office therefore asserts that claim 1 would be obvious to one of ordinary skill in the art so as to incorporate the above-recited teachings of Ahmavaara into the APA in order to provide the mobility for user equipment with an active connection.

This assertion by the Office is respectfully refuted. The Background of the Invention section of the present application describes two known aspects from which the present invention actually proceeds. A first aspect is the known delivery of content clips to a mobile terminal via a communication network (see paragraph 2 of the US published application). A second aspect is the existence of communication networks comprising different types of radio access networks for enabling an access of mobile terminals and the existence of mobile terminals which are able to access

different types of radio access networks (see paragraphs 5 and 6 of the US published application).

However, the art described in the Background of the Invention section, including the paragraphs recited above, do not disclose or suggest *determining a type of radio access network required for delivering a content clip based on an indication associated to said content clip* (feature A1 of claim 1 recited above). Actually, the Background of the Invention section shows that there is no suggestion in the prior art of the possibility that content clips may even require a specific radio access network type for its delivery. This problem is indicated as being a problem recognized by the inventors of the present invention (see paragraphs 14 and 15 of the US published application).

Furthermore, the Background of the Invention section shows that the prior art did not contemplate the determining of the type of radio access network via which the mobile terminal currently accesses the communication network as recited in feature A2 of claim 1. In other words, the mere existence of radio access networks of different types and of multi-mode terminals in and of themselves does not provide any indication of the features recited in claim 1, including determining the type of radio access network via which the mobile terminal currently accesses the communication network, wherein the communication network comprises radio access networks of at least two different types.

Furthermore, the APA does not show or suggest the feature recited in feature B of claim 1; namely, in the case where the mobile terminal currently accesses a communication network via a radio access network of a different type than that required for delivering said content clip, triggering a handover of said mobile terminal to a radio access network of said type required for delivering said content clip.

Thus, none of the features recited in A1, A2 and B of claim 1 are shown in the APA, discussed in the Background of the Invention section.

Ahmavaara only deals with a handover of a mobile terminal (optionally between nodes belonging to different networks) due to a movement of the device (see paragraphs 7 and 8 of Ahmavaara), but not due to an indication that is associated to content that is to be delivered to the mobile device. Thus, Ahmavaara

does not provide any suggestion at the missing features discussed above with respect to the APA.

In summary, neither the APA nor Ahmavaara disclose an indication associated to a content clip that indicates the type of radio access network required for delivering the content clip. Furthermore, neither the APA nor Ahmavaara disclose or suggest a determination of a required type of radio access network based on such an indication associated to the content clip. There is no prior art that discloses determining the requirement of a handover to a radio access network of a type that is required (i.e., according to the indication associated to the content clip and the current radio access network type) for delivery of a content clip. The criterion in Ahmavaara for a handover; namely, the movement of a device, is completely different from the criterion in an indication associated to a content clip as required by claim 1.

Thus, a person of ordinary skill in the art proceeding from the state of the art set forth in the APA receives no suggestion to implement a method as set forth in amended claim 1 when considering the addition of Ahmavaara which initiates a handover based upon the movement of a device.

For all of the foregoing reasons, it is respectfully submitted that claim 1, as amended, is distinguished over the cited art.

Independent claims 17, 21, 22 and 32 comprise features corresponding to those set forth in amended claim and, for similar reasons, are believed to be distinguished over the cited art. In this regard with respect to claim 17, the further reliance upon US patent application publication 2003/0022624, Sato, does not make up for the deficiencies in the APA and Ahmavaara since independent claim 17 recites a determination component configured to determine a type of radio access network required for delivering a content clip to a mobile terminal via a communication network based on an indication associated to said content clip, as well as a triggering component configured to trigger a handover of the mobile terminal to a radio access network of the type required for delivering said content clip in the case where the mobile terminal accesses the communication network currently via a radio access network of a different type than required for delivering said content clip, features that, as discussed above with regard to claim 1, are not shown in the APA or Ahmavaara.

Sato does not make up for these deficiencies either. Similar arguments apply to independent claim 21 with respect to the recited handover components.

Since each of the independent claims are believed to be distinguished over the cited art, it is respectfully submitted that claims 2-15, which depend from claim 1, claims 16, 18-20, which ultimately depend from claim 17, and claims 23-31, which ultimately depend from claim 22, are further distinguished over the cited art.

For all of the foregoing reasons, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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